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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,510	05/31/2001	Babu V. Mani	1285-0047US	1044

24587 7590 05/26/2005

ALCATEL USA  
INTELLECTUAL PROPERTY DEPARTMENT  
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PLANO, TX 75075

EXAMINER

MIRZA, ADNAN M

ART UNIT PAPER NUMBER

2145

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/871,510

Applicant(s)

MANI, BABU V.

Examiner

Adnan M. Mirza

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1-28 are rejected under 35 U.S.C. 102(e) as being unpatentable by Eisler et al (U.S. 6,078,942).

As per claims 1,11,16,21 Eisler disclosed an access control method for verifying a user's access to a network, comprising the steps: upon receiving an indication signifying that said user is attempting to access said network using a multimedia appliance, invoking a multimedia session engine to launch a network access application (col. 4, lines 26-36)); interrogating said user by an access application server associated with said network; receiving a multimedia response from

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said user responsive to said interrogating step; determining if said multimedia response is valid; and if so, granting permission to said user to access said network (col. 6, lines 8-23).

2. As per claims 2,18 Eisler disclosed wherein said user is remotely located with respect to said network (col. 6, lines 1-8).

3. As per claims 3,24-25 Eisler disclosed wherein said multimedia response from said user comprises an audio response responsive to said interrogating step (col. 6, lines 8-23).

4. As per claims 4,26 Eisler wherein said multimedia response comprises a video input of said user in response to said interrogating step (col. 6, lines 8-23).

5. As per claims 5,27 Eisler disclosed wherein said video input comprises a live picture of said user (col. 6, lines 24-41).

6. As per claims 6,14,20,23 Eisler disclosed further comprising the steps: upon granting permission to said user with respect to accessing said network, re-interrogating said user after a time period; receiving a response from said user responsive to said re-interrogating step; and if said response from said user not valid, terminating said user's access to said network (col. 12, lines 7-15).

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7. As per claims 7,13,19 Eisler disclosed wherein said response from said user comprises at least one of an audio response, a video input, a device input effectuated via said multimedia appliance, and a biometric ID input of said user (col. 4, lines 26-36).

8. As per claim 8 Eisler disclosed wherein said network comprises a corporate computer network, and further wherein said re-interrogating step is effectuated by a human operator associated with said corporate computer network (col. 4, lines 26-36).

9. As per claims 9,15 Eisler disclosed wherein said network comprises a corporate computer network, and further wherein said re-interrogating step is effectuated by an automated access control apparatus associated with said corporate computer network (col. 13, lines 26-42).

10. As per claim 10 Eisler disclosed wherein said network comprises a home network, and further wherein said re-interrogating step is effectuated by an access control application server associated with a public network that serves said user (col. 4, lines 44-51).

11. As per claims 12,17,22 Eisler disclosed wherein said network portion comprises a network selected from the group consisting of a corporate network, a home network, a small business network, and a private enterprise network (col. 3, lines 34-45).

12. As per claim 28 Eisler disclosed wherein said multimedia response further includes providing a still photograph of said user (col. 7, lines 31-42)

*Conclusion*

13. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (571)-272-3885.

14. The examiner can normally be reached on Monday to Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin Wallace can be reached on (571)-272-6159. The fax for this group is (703)-746-7239.

15. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-746-7239 (For Status Inquiries, Informal or Draft Communications, please label "PROPOSED" or "DRAFT");

(703)-746-7239 (For Official Communications Intended for entry, please mark "EXPEDITED PROCEDURE"),

(703)-746-7238 (For After Final Communications).

16. Any Inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

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Any response to a final action should be mailed to:

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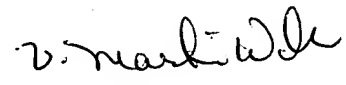
Or faxed to:

Hand-delivered responses should be brought to 4<sup>th</sup> Floor Receptionist, Crystal Park II,  
2021 Crystal Drive, Arlington, VA 22202.

AM

Adnan Mirza

Examiner

  
MARTIN-WALLACE  
SENIOR PATENT EXAMINER  
TECHNOLOGY CENTER 3700